

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES KERRIGAN,
Plaintiff,

v.

**OTSUKA AMERICA
PHARMACEUTICAL, INC.; AND MARK
ALTMHEYWE,**
Defendants.

CIVIL ACTION

NO. 12-4346

ORDER

AND NOW, this 14th day of October, 2015, upon consideration of Defendant Otsuka America Pharmaceutical, Inc.'s ("OAPI") Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) [ECF No. 49]; the Plaintiff's opposition thereto [ECF No. 50]; and the Defendant OAPI's reply [ECF No. 51], **IT IS ORDERED** that:

1. Defendant OAPI's Motion is **GRANTED IN PART AND DENIED IN PART**;
 - a. The Motion to dismiss Plaintiff's CEPA claim concerning publications regarding Samsca is **DENIED**; and
 - b. Plaintiff's CEPA claim concerning DUEs is **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

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